

CLAIMS AS AMENDED

1. (original) A marker post comprising:
 - a. a hollow elongated member, said elongated member composed of a flexibly resilient polymer plastic, said elongated member having a first end and a second end;
 - b. a first integral anchoring flap, said anchoring flap having a first end and a second end, said anchoring flap located proximate the second end of said elongated member; and
 - c. a first flexible living hinge, said anchoring flap attached to the elongated member at the second end of said anchoring flap by said first flexible living hinge, said anchoring flap moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said elongated member from an embedded position.
2. (original) The marker post of claim 1 including:
 - a. a second integral anchoring flap and a third integral anchoring flap, said second integral anchoring flap and said third integral anchoring flap each having a first end and a second end, said second integral anchoring flap and said third integral anchoring flap each located proximate the second end of said elongated member, said first integral anchoring flap and said second integral anchoring flap and said third integral anchoring flap circumferentially positioned around the said elongated member; and
 - b. a second flexible living hinge and a third flexible living hinge, said second integral anchoring flap attached to the elongated member at the second end of said second

integral anchoring flap by the second flexible living hinge, said third integral anchoring flap attached to the elongated member at the second end of said third integral anchoring flap by the third flexible living hinge, said second integral anchoring flap and said third integral anchoring flap moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said elongated member from an embedded position.

3. (original) The marker post of claim 1 wherein said polymer plastic is polycarbonate or polyethylene.
4. (previously amended) The marker post of claim 1 wherein said elongated member is triangular, circular, rectangular or square shaped and said elongated member includes a non-tapered exterior surface.
5. (previously amended) The marker post of claim 1 wherein said elongated member and said anchoring flap are weather resistant and said anchoring flap is in a coplanar condition with said marker post when said anchoring flap is in a closed position.
6. (original) The marker post of claim 1 including a weather resistant cap for covering the first end of said elongated member to prevent rain or snow from entering the elongated member.

7. (previously amended) The marker post of claim 1 wherein said elongated member is sufficiently stiff to permit the marker post to be driven into a top layer of soil.
8. (previously amended) A hollow anchoring marker post comprising:
- a. a triangular shaped elongated member having a first panel, a second panel, and a third panel forming the elongated member, said elongated member composed of a flexibly resilient polymer plastic, said triangular shaped elongated member having a first open end and a second open end;
 - b. a first anchoring flap, a second anchoring flap, and a third anchoring flap, each of said anchoring flaps having a first end and a second end, each of said anchoring flaps integrally connected to said elongated member, each of said anchoring flaps located proximate a second end of said elongated member; and
 - c. a first flexible living hinge, a second flexible living hinge, and a third flexible living hinge; the second end of said first anchoring flap attached to the first panel of said elongated member by said first flexible living hinge, the second end of said second anchoring flap attached to the second panel of said elongated member by said second flexible living hinge, the second end of said third anchoring flap attached to the third panel of said elongated member by said third flexible living hinge, each of said anchoring flaps moveable from a first closed position to facilitate the handling and transportation of said marker post to a second open position to prevent the withdrawal of said elongated member from an embedded position whereby the flaps has a sufficient memory to stay in the open position until the post can be embedded.

9. (previously amended) The hollow one piece anchoring marker post of claim 8 wherein said polymer plastic is polycarbonate or polyethylene.

10. (previously amended) The hollow one piece anchoring marker post of claim 8 wherein said elongated member is sufficiently stiff to permit the marker post to be driven into a top layer of soil.

11. (original) The marker post of claim 7 wherein said elongated member and said anchoring flaps are weather resistant.

12. (original) The marker post of claim 7 including a weather resistant cap for covering the first end of said elongated member to prevent rain or snow from entering the elongated member.

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Respectfully submitted,
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